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TRANSCRIPT OF RECORD

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1937

No. 138

THE UNITED STATES OF AMERICA, PETITIONER

vs.

PETE McGOWAN, CLAIMANT OF ONE CHEVROLET COUPE, ETC., ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR CERTIORARI FILED JUNE 14, 1937
CERTIORARI GRANTED OCTOBER 11, 1937

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*Page numbering appearing at the foot of page of original certified Transcript of Record.

In the District Court of the United States of America, in and for the District of Nevada.

No. 2658.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ONE CHEVROLET AUTOMOBILE,

Defendant.

LIBEL.

United States of America,
District of Nevada.—ss.

The Libel of the United States of America by E. P. CARVILLE, Esq., United States Attorney for the District of Nevada, its attorney, who in this case prosecutes in its behalf respectfully represents as follows:

I.

That there is in the custody of Alida C. Bowler, at Reno, Washoe County, State and District of Nevada, and within the jurisdiction of this Court, one Chevrolet Coupe, Engine No. 3488804, Serial No. 6CA02-8722, 1935 California license No. 9C2352.

II.

That the said Alida C. Bowler is now and at all times mentioned was the duly appointed and acting Superintendent of the Reno Indian Colony, Washoe County, State and District of Nevada. [2]

III.

That on or about the 4th day of July, 1935, at near Reno, Washoe County, State and District of Nevada, within the Indian Country, to-wit: Reno Indian Colony, in the aforesaid and above described Chevrolet Coupe automobile was found a bottle of spirituous liquor, to-wit: whiskey, upon a search of said Chevrolet automobile.

IV.

That the said bottle of spirituous liquor, to-wit: whiskey, had theretofore been introduced on or about the 4th day of July, 1935, in the aforesaid Indian Country in violation of law, to-wit: Sections 246 and 247, T. 25, U. S. C. A., by one LEWIS McGOWAN, the said LEWIS McGOWAN being then and there an Indian, and the said Alida C. Bowler being then and there, and at all times mentioned herein, an Indian agent.

V.

That libelant is informed and believes that LEWIS McGOWAN, and SMITH AUTO COMPANY, Bishop, California, claim an interest in said Chevrolet Automobile.

WHEREFORE, your libelant respectfully prays that the aforesaid Chevrolet Automobile, Engine No. 3488804, Serial No. 6CA02-8722, 1935 California license No. 9C2352, be forfeited and that the same may be disposed of according to law in such manner as the Court may direct; that a monition issue directed to the aforenamed parties to be and